



Sen. David Koehler

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1 AMENDMENT TO SENATE BILL 2695

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2695, AS AMENDED,  
3 by replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Criminal Code of 2012 is amended by  
6 changing Section 33-3 as follows:

7 (720 ILCS 5/33-3) (from Ch. 38, par. 33-3)

8 Sec. 33-3. Official Misconduct.†

9 (a) A public officer or employee or special government  
10 agent commits misconduct when, in his official capacity or  
11 capacity as a special government agent, he or she commits any  
12 of the following acts:

13 (1) ~~(a)~~ Intentionally or recklessly fails to perform  
14 any mandatory duty as required by law; or

15 (2) ~~(b)~~ Knowingly performs an act which he knows he is  
16 forbidden by law to perform; or

1           (3) ~~(e)~~ With intent to obtain a personal advantage for  
2           himself or another, he performs an act in excess of his  
3           lawful authority; or

4           (4) ~~(d)~~ Solicits or knowingly accepts for the  
5           performance of any act a fee or reward which he knows is  
6           not authorized by law.

7           (b) An employee of a law enforcement agency commits  
8           misconduct when he or she knowingly uses or communicates,  
9           directly or indirectly, information acquired in the course of  
10           employment, with the intent to obstruct, impede, or prevent the  
11           investigation, apprehension, or prosecution of any criminal  
12           offense or person. Nothing in this subsection (b) shall be  
13           construed to impose liability for communicating to a  
14           confidential resource, who is participating or aiding law  
15           enforcement, in an ongoing investigation.

16           (c) A public officer or employee or special government  
17           agent convicted of violating any provision of this Section  
18           forfeits his or her office or employment or position as a  
19           special government agent. In addition, he or she commits a  
20           Class 3 felony.

21           (d) For purposes of this Section, "special government  
22           agent" has the meaning ascribed to it in subsection (1) of  
23           Section 4A-101 of the Illinois Governmental Ethics Act.

24           (Source: P.A. 94-338, eff. 1-1-06.)".